



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ATTORNEY GENERAL
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**FORMER ACCESS TO PUBLIC RECORDS ACT
R.I. GEN. LAWS § 38-2-1 ET. SEQ.**

CHANGES TO ACCESS TO PUBLIC RECORDS ACT
This Act takes effect on September 1, 2012.

EXEMPTIONS

All records identifiable to individual applicant for benefits, client, patient, student or employee, including records relating to client/attorney and doctor/patient relationships and all medical information. R.I. Gen. Laws § 38-2-2(5)(i)(A)(I).	All records relating to client/attorney and doctor/patient relationships, including all medical information. R.I. Gen. Laws § 38-2-2(4)(A)(I)(a).
All records identifiable to individual applicant for benefits, client, patient, student or employee, including records relating to client/attorney and doctor/patient relationships and all medical information. R.I. Gen. Laws § 38-2-2(5)(i)(A)(I).	Individually-identifiable records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy pursuant to the Freedom of Information Act. R.I. Gen. Laws § 38-2-2(4)(A)(I)(b).
<p>Public employee information:</p> <ul style="list-style-type: none"> • Name • Dates of employment • Gross salary • Positions held at state/municipality • Salary range • Work location • Total cost of paid fringe benefits • Business telephone number • Gross amount received in overtime • City/town of residence • Other remuneration in addition to salary • Date of termination • Job title • Job description <p>R.I. Gen. Laws § 38-2-2(5)(i)(A)(I).</p>	<p>Public employee, and employees of contractors and subcontractors working on public works projects required to be listed as certified payrolls, information:</p> <ul style="list-style-type: none"> • Name • Dates of employment • Gross salary • Position held at state/municipality <u>or public works contractor or subcontractor on public works projects</u> • Salary range • Work location <u>and/or project</u> • Total cost of paid fringe benefits • Business telephone number • Gross amount received in overtime • City/town of residence • <u>Any</u> other remuneration in addition to salary • Date of termination • Job title • Job description • <u>Employment contracts</u>

PENSION RECORDS

Pension records established by the general laws are public except for information regarding the medical condition of any person and all information identifying designated beneficiaries. R.I. Gen. Laws § 38-2-2(5)(i)(A)(II).	All public pension records are public regardless if established by general laws except for information regarding the medical condition of any person and all information identifying designated beneficiaries, until the beneficiary is receiving or has received benefits through the retirement system. R.I. Gen. Laws § 38-2-2(4)(A)(II).
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FINES

Court shall impose a civil fine not exceeding \$1,000 for knowing & willful violation. R.I. Gen. Laws § 38-2-9(d).	Court shall impose civil fine not exceeding \$2,000 for knowing & willful violation. R.I. Gen. Laws § 38-2-9(d).
Reckless violations not addressed.	Court shall impose civil fine not exceeding \$1,000 for a reckless violation. R.I. Gen. Laws § 38-2-9(d).

PROCEDURE FOR ACCESSING PUBLIC RECORD

Every public body shall establish procedures for accessing public records. R.I. Gen. Laws § 38-2-3(c).	Every public body shall establish <u>written</u> procedures for accessing public records. R.I. Gen. Laws § 38-2-3(d).
	<u>Must include:</u> (1) identification of designated public records officer/unit, (2) how to make records request and (3) where request is to be made. R.I. Gen. Laws § 38-2-3(d).
	Copy of procedures must be posted on website if a website is maintained and be made readily available. R.I. Gen. Laws § 38-2-3(d).
	Cannot require records request be on public body's form if request is readily identifiable as a public records request. R.I. Gen. Laws § 38-2-3(d).

MULTIPLE REQUESTS FROM ONE PERSON/ENTITY

Not addressed.	Multiple requests from any person/entity within a 30 day time period shall be considered one request for purposes of calculating the cost for search and retrieval. R.I. Gen. Laws § 38-2-4(b).
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<u>REASON OR IDENTITY OF PERSON MAKING APRA REQUEST</u>	
Not addressed.	Public body cannot require, as condition of fulfilling request, a person/entity provide reason for request or provide personally identifiable information about self. R.I. Gen. Laws § 38-2-3(j).
<u>DELIVERY</u>	
Not addressed.	At the option of the person making the request, the public body shall provide copies of public records electronically, by facsimile, or by email, unless doing so would be unduly burdensome due to the volume of records requested or the costs that would be incurred. The person requesting delivery shall be responsible for the actual cost of delivery, if any. R.I. Gen. Laws § 38-2-3(k).
<u>COSTS</u>	
<u>Prior to</u> providing copies, public body shall provide estimate of costs. R.I. Gen. Laws § 38-2-4(c).	<u>Upon request</u> , public body shall provide estimate of costs. R.I. Gen. Laws § 38-2-4(c).
	Records shall not be deemed untimely if public body is awaiting receipt of payment for costs properly charged under R.I. Gen. Laws § 38-2-4. R.I. Gen. Laws § 38-2-7(b).
	Person requesting delivery of documents responsible for actual cost of delivery, if any. R.I. Gen. Laws § 38-2-3(k).
	Public body may charge reasonable actual cost of retrieving records from storage where assessed a retrieval fee. R.I. Gen. Laws § 38-2-4(a).
	All copying and search/retrieval fees shall be waived if public body fails to produce records in timely manner provided that production shall not be untimely if public body is awaiting receipt for payment for costs properly charged under R.I. Gen. Laws § 38-2-4. R.I. Gen. Laws § 38-2-7(b).
<u>EXTENSION FOR GOOD CAUSE</u>	
For good cause, ten (10) business day limit may be extended additional twenty (20) business days. R.I. Gen. Laws § 38-2-7(b).	<p>If inspection/copying not permitted within ten (10) business days after receiving request, public body shall explain in writing need for additional twenty (20) business days. Explanation must be particularized to the specific request made. Must demonstrate due to:</p> <ul style="list-style-type: none"> • voluminous nature of request, • number of requests pending, or

	<ul style="list-style-type: none"> difficulty in searching for and retrieving or copying the requested records. <p>R.I. Gen. Laws § 38-2-3(e).</p> <p>The unavailability of a designated public records officer shall not be deemed good cause for failure to timely comply with a request. R.I. Gen. Laws § 38-2-3(d).</p>
<u>MUST RESPOND IF PUBLIC BODY DOES NOT HAVE RECORDS</u>	
Not addressed	If records do not exist or are not within public body's custody or control, must state it does not have or maintain records. R.I. Gen. Laws § 38-2-7(c).
<u>COMMERCIAL USE OF PUBLIC RECORDS</u>	
No person/business entity may use information obtained to obtain commercial advantage over party furnishing information to public body. Knowing and willful violation, in addition to any civil liability, punished by fine not more than \$500 and/or imprisonment of not more than 1 year. R.I. Gen. Laws § 38-2-6.	Section deleted from new law.
<u>ARREST LOGS</u>	
Not addressed.	<p>Following information reflecting an initial arrest of an adult and charge(s) shall be made available within 48 hours after receipt of request unless request made on weekend or holiday, then information shall be available within 72 hours:</p> <ol style="list-style-type: none"> 1. Full name of arrested adult 2. Home address of arrested adult, unless doing so would identify a crime victim 3. Year of birth of arrested adult 4. Charge or charges 5. Date of the arrest 6. Time of the arrest 7. Gender of the arrested adult 8. Race of the arrested adult

	<p>9. Name of the arresting officer unless doing so would identify undercover officer.</p> <p>Provisions apply only to arrest made within 5 days prior to the request. R.I. Gen. Laws § 38-2-3.2.</p>
<u>ORIENTATION AND TRAINING COMPLIANCE</u>	
Not addressed.	By January 1, 2013, & annually thereafter, chief administrator of each public body/agency shall state in writing to the attorney general that officers/employees who can grant/deny access to records have been provided orientation & training. R.I. Gen Laws § 38-2-3.16.
<u>REASONABLY SEGREGABLE PORTION OF PUBLIC RECORD</u>	
Any reasonably segregable portion of public record shall be available for public inspection. R.I. Gen. Laws § 38-2-2(ii).	Any reasonably segregable portion of public record shall be available for public inspection.
	If entire document is deemed non-public, must state in writing that no portion of document contains reasonable segregable information. R.I. Gen. Laws § 38-2-3(b).

THIS DOCUMENT REPRESENTS A SUMMARY OF THE AMENDMENTS MADE TO THE ACCESS TO PUBLIC RECORDS ACT DURING THE 2011-2012 LEGISLATIVE SESSION. THIS SUMMARY DOES NOT INCLUDE THE ACTUAL LANGUAGE OF THE ACCESS TO PUBLIC RECORDS ACT AND DOES NOT INCLUDE ALL AMENDMENTS. THIS DOCUMENT IS INTENDED AS A QUICK SUMMARY FOR INFORMATIONAL PURPOSES ONLY AND YOU SHOULD REFERENCE THE ACTUAL TEXT OF THE ACCESS TO PUBLIC RECORDS ACT.